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EXAMINER

KURR, JASON RICHARD

ART UNIT

PAPER NUMBER

2615

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/732,909	<b>Applicant(s)</b> MARLOW, IRA	
	<b>Examiner</b> JASON R. KURR	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9,10,12-19 and 22-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9,10,12-19 and 22-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/1/08 4/4/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 7, 9, 12, 14-15, 21, 24, 26-30, 32, 35-37, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2) in view of Miyazaki et al (US 6,163,079).

With respect to claim 1, Falcon discloses a docking station for docking and integrating a portable device (fig.2,4 #102) for use with a car stereo (fig.1 #108, fig.4 #200, col.2 ln.48-51), comprising: a base portion for receiving a portable device external to a car stereo; a bottom member connected to the base portion and defining a cavity for receiving a portable device (col.3 ln.41-49); and an integration device (fig.2 #142) positioned within the base portion for integrating a portable device with a car stereo (col.3 ln.34-40). As described by Falcon in column 3 lines 41-49, the portable computing device is capable of being docked to an appliance in a number of assorted ways, wherein one of these ways includes inserting the device in a recessed portion of the appliance. A recessed portion would include a base portion with surrounding walls (bottom and top members) for surrounding the portable device. This can be seen in figure

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4 of Falcon, wherein the portable device (#102) is docked within a recessed portion of the appliance (#200).

Falcon does not disclose expressly wherein the docking station is positioned remotely from the car stereo.

Miyazaki discloses a system for docking portable audio devices (fig.2 #40A) to a car stereo (fig.1 #32) wherein the docking stations (fig.1 #38) are positioned in remote locations from the car stereo.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use multiple docking stations placed at various remote locations as disclosed by Miyazaki to dock the portable audio device of Falcon to the car stereo.

The motivation for using multiple remote docking stations in various locations would have been to allow a passenger in the rear of the vehicle to control the audio of the car stereo by placing the portable audio device in a docking station adjacent to the rear seats.

With respect to claim 3, Falcon discloses the apparatus of claim 1, wherein the base portion comprises a connector for connecting the integration device with the portable device (col.3 ln.43-46).

With respect to claim 7, Falcon discloses the apparatus of claim 1, wherein the portable device comprises a CD player, CD changer, MP3 player, Digital Audio

Broadcast (DAB) receiver, portable video device, or a satellite receiver (col.6 ln.41-47).

With respect to claim 9, Falcon discloses the apparatus of claim 1, wherein the integration device comprises a circuit board housed in the base portion (col.3 ln.34-40). It is implicit that the I/O component (#142) would contain a circuit board for the attachment of the disclosed hardware in Falcon column 3 lines 37-38.

With respect to claim 12, Falcon discloses the apparatus of claim 1, wherein the integration device is connected to the car stereo using a bus connection (col.6 ln.37-41).

With respect to claims 14 and 41, Falcon discloses the apparatus of claim 1, further comprising one or more auxiliary input ports connected to the integration device for integrating additional portable devices external to the docking station (col.7 ln.1-4).

With respect to claim 15, Falcon discloses a method for docking and integrating a portable device (fig.2,4 #102) for use with a car stereo (fig.4 #200), comprising: providing a docking station having a base portion, a bottom member connected to the base portion, and an integration device (fig.2 #142) housed within the base portion (col.2 ln.48-51, col.3 ln.41-49); inserting a portable device into the docking station and connecting the portable audio device to a connector on the base portion (col.3 ln.43-46); and integrating the portable device with the integration device for use with a car stereo (col.3 ln.34-40). As described by Falcon in column 3 lines 41-49, the portable

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computing device is capable of being docked to an appliance in a number of assorted ways, wherein one of these ways includes inserting the device in a recessed portion of the appliance. A recessed portion would include a base portion with surrounding walls (bottom and top members) for surrounding the portable device. This can be seen in figure 4 of Falcon, wherein the portable device (#102) is docked within a recessed portion of the appliance (#200).

Falcon does not disclose expressly wherein the docking station is positioned remotely from the car stereo.

Miyazaki discloses a system for docking portable audio devices (fig.2 #40A) to a car stereo (fig.1 #32) wherein the docking stations (fig.1 #38) are positioned in remote locations from the car stereo.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use multiple docking stations placed at various remote locations as disclosed by Miyazaki to dock the portable audio device of Falcon to the car stereo.

The motivation for using multiple remote docking stations in various locations would have been to allow a passenger in the rear of the vehicle to control the audio of the car stereo by placing the portable audio device in a docking station adjacent to the rear seats.

With respect to claim 21, Falcon discloses the method of claim 15, further comprising integrating a CD player, CD changer, MP3 player, Digital Audio Broadcast (DAB) receiver, a portable video device, or a satellite receiver with the car stereo (col.6

ln.41-47).

With respect to claim 24, Falcon discloses the method of claim 15, further comprising connecting the integration device to the car stereo using a bus connection (col.6 ln.37-41).

With respect to claim 26, Falcon discloses the method of claim 15, further comprising connecting an external portable device to an auxiliary input port on the docking station and integrating the external portable device with the car stereo (col.7 ln.1-4).

With respect to claim 27, Falcon discloses the method of claim 1, wherein the docking station is mountable within a vehicle (col.2 ln.48-51).

With respect to claim 28, Falcon discloses the method of claim 15, further comprising mounting the docking station in a vehicle (col.2 ln.48-51).

With respect to claim 29, Falcon discloses the method of claim 28 in view of Miyazaki, further comprising mounting the docking station in a vehicle trunk (Miyazaki: fig.1 #38).

With respect to claim 30, Falcon discloses a docking station for docking and integrating a portable device (fig.2,4 #102) for use with a car stereo (fig.4 #200), comprising: a base portion for receiving a portable device external to a car stereo; a bottom member connected to the base portion and defining a cavity for receiving a portable device (col.3 ln.41-49); and an integration device (fig.2 #142) connected to the base portion and in electrical communication with a car stereo and a portable device for integrating a portable device with a car stereo (col.3 ln.34-40). As described by Falcon in column 3 lines 41-49, the portable computing device is capable of being docked to an appliance in a number of assorted ways, wherein one of these ways includes inserting the device in a recessed portion of the appliance. A recessed portion would include a base portion with surrounding walls (bottom and top members) for surrounding the portable device. This can be seen in figure 4 of Falcon, wherein the portable device (#102) is docked within a recessed portion of the appliance (#200).

Falcon does not disclose expressly wherein the docking station is positioned remotely from the car stereo.

Miyazaki discloses a system for docking portable audio devices (fig.2 #40A) to a car stereo (fig.1 #32) wherein the docking stations (fig.1 #38) are positioned in remote locations from the car stereo.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use multiple docking stations placed at various remote locations as disclosed by Miyazaki to dock the portable audio device of Falcon to the car stereo.



The motivation for using multiple remote docking stations in various locations would have been to allow a passenger in the rear of the vehicle to control the audio of the car stereo by placing the portable audio device in a docking station adjacent to the rear seats.

With respect to claim 32, Falcon discloses the apparatus of claim 30, wherein the base portion comprises a connector for connecting the integration device with the portable device (col.3 ln.43-46).

With respect to claim 35, Falcon discloses the apparatus of claim 30, wherein the portable device comprises a CD player, CD changer, MP3 player, Digital Audio Broadcast (DAB) receiver, portable video device, or a satellite receiver (col.6 ln.41-47).

With respect to claim 36, Falcon discloses the apparatus of claim 30, wherein the integration device comprises a circuit board housed in the base portion (col.3 ln.34-40). It is implicit that the I/O component (#142) would contain a circuit board for the attachment of the disclosed hardware in Falcon column 3 lines 37-38.

With respect to claim 37, Falcon discloses the apparatus of claim 30, wherein the docking station is mountable in a vehicle trunk (Miyazaki: fig.1 #38).

With respect to claim 39, Falcon discloses the apparatus of claim 1, wherein the integration device is connected to the car stereo using a bus connection (col.6 ln.37-41).

Claims 2, 11, 16-17, 31 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2) in view of Miyazaki et al (US 6,163,079) and in further view of Holland (US 2002/0085730 A1).

With respect to claim 2, Falcon discloses the apparatus of claim 1, however does not disclose expressly wherein the top member is hingedly connected at an edge to the base portion.

Holland discloses an apparatus for docking with a portable device further comprising a top member (fig.2 #5) that is hingedly connected (pg.1 [0009]) at an edge to a base portion (fig.2 #3).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the hinge of Holland in the invention of Falcon.

The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position.

With respect to claim 11, Falcon discloses the apparatus of claim 2, however does not disclose expressly wherein the top member is pivotable away from the bottom member to allow access to the portable audio device.

Holland discloses an apparatus for docking with a portable device further comprising a top member (fig.2 #5) that is pivotable away (pg.1 [0009]) from the bottom member (fig.2 #3).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the pivot of Holland in the invention of Falcon.

The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position.

With respect to claim 16, Falcon discloses the method of claim 15, however does not disclose expressly further comprising providing a top member connected to the base portion and pivotable away from the bottom member prior to inserting the portable audio device into the docking station.

Holland discloses an apparatus for docking with a portable device further comprising a top member (fig.2 #5) that is hingedly connected (pg.1 [0009]) at an edge to a base portion (fig.2 #3), wherein the top member is opened prior to inserting the portable device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the opening top member of Holland in the invention of Falcon.

The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position.

With respect to claim 17, Falcon discloses the method of claim 16, however does not disclose expressly further comprising closing the top member to retain the portable audio device in the docking station.

Holland discloses an apparatus for docking with a portable device further comprising a top member (fig.2 #5) that is hingedly connected (pg.1 [0009]) at an edge to a base portion (fig.2 #3), wherein the top member is closed to retain the portable device in the docking station.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the opening top member of Holland in the invention of Falcon.

The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position.

With respect to claim 31, Falcon discloses the apparatus of claim 30, however does not disclose expressly further comprising a top member hingedly connected at an edge to the base portion.

Holland discloses an apparatus for docking with a portable device further comprising a top member (fig.2 #5) that is hingedly connected (pg.1 [0009]) at an edge to a base portion (fig.2 #3), wherein the top member is opened prior to inserting the portable device.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the opening top member of Holland in the invention of Falcon.

The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position.

With respect to claim 38, Falcon discloses the apparatus of claim 31, however does not disclose expressly wherein the top member is pivotable away from the bottom member to allow access to the portable audio device.

Holland discloses an apparatus for docking with a portable device further comprising a top member (fig.2 #5) that is pivotable away (pg.1 [0009]) from the bottom member (fig.2 #3).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the pivot of Holland in the invention of Falcon.

The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position.

Claims 4, 18 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2) in view of Miyazaki et al (US 6,163,079) and in further view of Byrne et al (US 6,648,661 B1).

With respect to claim 4, Falcon discloses the apparatus of claim 1, however does not disclose expressly further comprising a cable interconnected at one end to the integration device and at an opposite end to a car stereo.

Byrne discloses an apparatus that is capable of being docked to another apparatus through the use of a cable (fig.1 #15) interconnected between the apparatuses.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the cable of Byrne to dock the portable apparatus and appliance of Falcon.

The motivation for doing so would have been to allow a user to move the portable device into various positions while being docked to the appliance. This would give a user more mobility while using the system.

With respect to claim 18, Falcon discloses the method of claim 15, however does not disclose expressly further comprising interconnecting the integration device with the car stereo with a cable.

Byrne discloses an apparatus that is capable of being docked to another apparatus through the use of a cable (fig.1 #15) interconnected between the apparatuses.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the cable of Byrne to dock the portable apparatus and appliance of Falcon.

The motivation for doing so would have been to allow a user to move the portable device into various positions while being docked to the appliance. This would give a user more mobility while using the system.

With respect to claim 33, Falcon discloses the apparatus of claim 30, however does not disclose expressly further comprising a cable interconnected at one end to the integration device and at an opposite end to a car stereo.

Byrne discloses an apparatus that is capable of being docked to another apparatus through the use of a cable (fig.1 #15) interconnected between the apparatuses.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the cable of Byrne to dock the portable apparatus and appliance of Falcon.

The motivation for doing so would have been to allow a user to move the portable device into various positions while being docked to the appliance. This would give a user more mobility while using the system.

Claims 5, 19 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2) in view of Miyazaki et al (US 6,163,079) and in further view of Northway et al (US 2002/0180767 A1).

With respect to claim 5, Falcon discloses the apparatus of claim 1, however does not disclose expressly wherein the integration device is wirelessly connected to a car stereo.

Northway discloses a system of integrating two apparatuses through the use of a wireless signal transmitter/receiver device (fig.4 #144, pg.4 [0051]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the wireless communication system of Northway in the communication of the devices of Falcon.

The motivation for doing so would have been to allow a user to move the portable device into various positions while in communication with the appliance. This would give a user more mobility while using the system.

With respect to claim 19, Falcon discloses the method of claim 15, however does not disclose expressly further comprising establishing a wireless connection between the integration device and the car stereo.

Northway discloses a system of integrating two apparatuses through the use of a wireless signal transmitter/receiver device (fig.4 #144, pg.4 [0051]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the wireless communication system of Northway in the communication of the devices of Falcon.

The motivation for doing so would have been to allow a user to move the portable device into various positions while in communication with the appliance. This would give a user more mobility while using the system.



With respect to claim 34, Falcon discloses the apparatus of claim 30, however does not disclose expressly wherein the integration device is wirelessly connected to a car stereo.

Northway discloses a system of integrating two apparatuses through the use of a wireless signal transmitter/receiver device (fig.4 #144, pg.4 [0051]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the wireless communication system of Northway in the communication of the devices of Falcon.

The motivation for doing so would have been to allow a user to move the portable device into various positions while in communication with the appliance. This would give a user more mobility while using the system.

Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2) in view of Miyazaki et al (US 6,163,079) and in further view of Stark et al (US 2004/0091123 A1).

With respect to claim 10, Falcon discloses the apparatus of claim 1, however does not disclose expressly wherein the docking station is mountable in a vehicle trunk.

Stark discloses an automobile audio system wherein a control apparatus (fig.1b #22') is mountable in the trunk (pg.4 [0050]).

At the time of the invention it would have been obvious to a person of ordinary skill in to mount the audio system of Falcon in the trunk of a vehicle as disclosed by Stark.

The motivation for doing so would have been for applications wherein a primary listening position of a user would be located outside of the vehicle as taught by Stark (pg.4 [0047]).

With respect to claim 23, Falcon discloses the method of claim 15, however does not disclose expressly wherein the apparatus further comprises mounting the docking station in a vehicle trunk.

Stark discloses an automobile audio system wherein a control apparatus (fig.1b #22') is mountable in the trunk (pg.4 [0050]).

At the time of the invention it would have been obvious to a person of ordinary skill in to mount the audio system of Falcon in the trunk of a vehicle as disclosed by Stark.

The motivation for doing so would have been for applications wherein a primary listening position of a user would be located outside of the vehicle as taught by Stark (pg.4 [0047]).

Claims 13, 25 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US 6,993,615 B2) in view of Miyazaki et al (US 6,163,079).

With respect to claims 13 and 40, Falcon discloses the apparatus of claim 1, however does not disclose expressly wherein the car stereo is an Original Equipment Manufacturer (OEM) or after-market car stereo.

Falcon does disclose wherein the portable device (fig.4 #102) identifies the type of appliance in which it is docked to, for the purpose of communicating with the appliance (col.4 ln.25-42). At the time of the invention it would have been obvious to a person of ordinary skill in the art that the appliance of Falcon could be an OEM car stereo or an after-market car stereo. The motivation for making the appliance an OEM stereo would have been to allow a user to have the functions of the portable device, such as integration with satellite radio, without having to spend money for after-market equipment. The motivation for making the appliance an after-market stereo would have been to allow a user to upgrade their car stereo and still be able to use the portable devices interfacing functions.

With respect to claim 25 Falcon discloses the method of claim 15, however does not disclose expressly further comprising integrating the portable device with an after-market or Original Equipment Manufacturer (OEM) car stereo.

Falcon does disclose wherein the portable device (fig.4 #102) identifies the type of appliance in which it is docked to, for the purpose of communicating with the appliance (col.4 ln.25-42). At the time of the invention it would have been obvious to a person of ordinary skill in the art that the appliance of Falcon could be an OEM car stereo or an after-market car stereo. The motivation for making the appliance an OEM

stereo would have been to allow a user to have the functions of the portable device, such as integration with satellite radio, without having to spend money for after-market equipment. The motivation for making the appliance an after-market stereo would have been to allow a user to upgrade their car stereo and still be able to use the portable devices interfacing functions.

### ***Response to Arguments***

The argument, Declaration and Affidavit filed April 1, 2008 is considered, but is deemed not sufficient as discussed below under MPEP 715.07 [R-3] Facts and Documentary Evidence:

The MPEP stated that:

The essential thing to be shown under 37 CFR 1.131 is priority of invention and this may be done by any satisfactory evidence of the fact. FACTS, not conclusions, must be alleged. Evidence in the form of exhibits may accompany the affidavit or declaration.

Each exhibit relied upon should be specifically referred to in the affidavit or declaration, in terms of what it is relied upon to show. For example, the allegations of fact might be supported by submitting as evidence one or more of the following:

- (A) attached sketches;
- (B) attached blueprints;
- (C) attached photographs;
- (D) attached reproductions of notebook entries;

- (E) an accompanying model;
- (F) attached supporting statements by witnesses, where verbal disclosures are the evidence relied upon. *Ex parte Ovshinsky*, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989)
- (G) Testimony given in an interference. Where interference testimony is used, the applicant must point out which parts of the testimony are being relied on; examiners cannot be expected to search the entire interference record for the evidence. *Ex parte Homan*, 1905 C.D. 288 (Comm'r Pat. 1905);
- (H) Disclosure documents (MPEP § 1706) may be used as documentary evidence of conception.

Exhibits and models must comply with the requirements of 37 CFR 1.91 to be entered into an application file. See also MPEP § 715.07(d) .

A general allegation that the invention was completed prior to the date of the reference is not sufficient. *Ex parte Saunders*, 1883 C.D. 23, 23 O.G. 1224 (Comm'r Pat. 1883). Similarly, a declaration by the inventor to the effect that his or her invention was conceived or reduced to practice prior to the reference date, without a statement of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131. 37 CFR 1.131(b) requires that original exhibits of drawings or records, or photocopies thereof, accompany and form part of the affidavit or declaration or their absence satisfactorily explained. In *Ex parte Donovan*, 1890 C.D. 109, 52 O.G. 309 (Comm'rPat. 1890) the court stated;

“If the applicant made sketches he should so state, and produce and describe

them; if the sketches were made and lost, and their contents remembered, they should be reproduced and furnished in place of the originals. The same course should be pursued if the disclosure was by means of models. If neither sketches nor models are relied upon, but it is claimed that verbal disclosures, sufficiently clear to indicate definite conception of the invention, were made the witness should state as nearly as possible the language used in imparting knowledge of the invention to others."

However, when reviewing a 37 CFR 1.131 affidavit or declaration, the examiner must consider all of the evidence presented in its entirety, including the affidavits or declarations and all accompanying exhibits, records and "notes." An accompanying exhibit need not support all claimed limitations, provided that any missing limitation is supported by the declaration itself. *Ex parte Ovshinsky*, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989).

**The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that**

**facts exist but does not tell what they are or when they occurred.").**

And it is clear that applicant did not provide sufficient evidence such as the required original exhibits of drawings or records, or photocopies thereof, accompany and form part of the affidavit or declaration or their absence satisfactorily explained to satisfy 37 CFR 1.131 as indicated above.

The Affidavit filed on April 1, 2008 under 37 CFR 1.131 has been considered but is ineffective to overcome the Falcon, Holland, Byrne, Northway and Stark references.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the listed references. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The applicant has not provided sufficient evidence to provide support to the claims of the present application. It is impossible to determine from the supplied photographs the disclosed functions and structure of the claimed docking station. For example; the claimed, "base portion, bottom member, and top member" cannot be distinguished from the photographs, it appears that there are only two portions surrounding a circuit board. The function of the claimed "integration device" cannot be determined from the supplied evidence, the pictured circuit board containing electrical components may have alternative functions such as amplification, which can not be

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distinguished from a photograph. The supplied evidence does not support many other features of the claimed invention, such as: "the top member is hingedly connected at an edge to the base portion"; "wherein the integration device is wirelessly connected to the car stereo"; and "wherein the portable device comprises a CD player, CD changer, MP3 player, DAB receiver, portable video device, or a satellite receiver". It appears that the supplied evidence provides some type of a connector for a cellular phone, not for any of the devices listed in the present claims.

In conclusion, the argument, Declaration and Affidavit filed April 1, 2008 is deemed not sufficient to satisfy 37 CFR 1.131, and the existing rejection is deemed appropriate. Applicant has traversed the rejections made by the Examiner on October 3, 2007, continuing that the rejections are moot in light of applicant's invention of the claimed subject matter prior to the effective dates of the Falcon, Holland, Byrne, Northway and Stark reference as disclosed in the Remarks dated April 1, 2008. In view of the insufficient Declaration and Affidavit filed April 1, 2008 the non-final rejection made October 3, 2007 stands.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamanishi et al (US 5,808,373) discloses a vehicle glove box adapted to receive and power electrical equipment.



Ross et al (US 5,859,628) discloses an apparatus and method for a personal onboard information system.

Knockeart et al (US 6,622,083 B1) discloses a personal driver information device.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON R. KURR whose telephone number is (571)272-0552. The examiner can normally be reached on M-F 10:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason R Kurr/  
Examiner, Art Unit 2615

/Vivian Chin/  
Supervisory Patent Examiner, Art Unit 2615